

State of Maryland 

State Board of Elections Meeting – June 28, 2012

Attendees: Robert Walker, Chair
Bobbie Mack, Vice Chair
Rachel McGuckian, Member
David McManus, Member
Chuck Thomann, Member
Ross Goldstein, Deputy Administrator
Jeffrey Darsie, Assistant Attorney General
Donna Duncan, Election Management Director
Paul Aumayr, Director, Voting Systems
Keith Ross, Assistant Deputy for Project Management
Victorica Smith, Campaign Finance Division

Also Present: Barbara Sanders, League of Women Voters of Maryland
Katie Brown, Baltimore County Board of Elections
Rena Waggoner, Baltimore County Board of Elections
Holly Joseph

DECLARATION OF QUORUM PRESENT

Chairman Walker called the meeting to order at 2:00 pm and declared that a quorum was present.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES

The minutes of the May 24, 2012, board meeting were presented for approval. The minutes were approved unanimously.

ADMINISTRATOR'S REPORT

Ross Goldstein presented the Administrator's Report.

1. Meetings and Important Dates

Maryland Association of Election Officials' (MAEO) Annual Conference

MAEO held its annual conference on June 4th and 5th. MAEO elected a new president and board. Gail Hatfield of Calvert County was elected to serve as president of MAEO, and we congratulate her and look forward to continuing SBE's collaborative relationship with MAEO. The conference included a local board attorney breakout sessions facilitated by Jeff Darsie and Nikki Trella, a local board member session conducted by Ross Goldstein, and a Presidential Primary Election Lessons Learned session conducted by Keith Ross. The sessions were all productive and well received. In addition two Election Preparedness and Professional Development (EPPD) Program classes were presented during one full day of the conference. One class conducted by Rick Urps focused on adult learning and teaching techniques as they relate to training election judges, and the other class conducted by Guy Mickley, Director of the Howard County Board of Elections focused on preparing for legislative reapportionment.

Electronic Registration Information Center (ERIC)

The first meeting of the ERIC board was June 25th – 26th in Denver, Colorado. Linda Lamone and Stacey Johnson attended the first meeting where Ms. Lamone was elected to serve as the treasurer for the organization.

2. Election Reform & Management

Online Voter Services Project Update

Work on SBE's voter services website is on-going. The voter look-up and polling place locator will "go live" on July 1, 2012. SBE and representatives of various local boards of elections tested these websites and provided feedback and suggestions. SBE's agreement with University of Maryland College Park ends on June 30th, and SBE would like to thank the Center for American

Politics and Citizenship at College Park for their efforts over the last several years to improve voters' access to important election information and electronically deliver absentee ballots.

Online voter registration is on track to be ready in July 2012. Chere' Evans received the final information from MVA and is finishing up its development. SBE will continue testing, and the local boards will be asked to test the system next week.

Development on the online absentee ballot delivery system is also progressing. Ms. Trella created a working group of local boards of elections to draft canvassing procedures for ballots that are delivered electronically. Ms. Trella and Ms. Evans provided an online demonstration on the new ballot delivery system, and the canvassing procedures are moving along and will be complete in mid-July. All local boards will be participating in a mock canvass at the end of July. During this mock canvass, they will use the online ballot marking wizard to make selections and print ballots, generate scannable ballots, compare the ballot generated from the barcode against the ballot printed from the wizard, and feed the ballot into an optical scan voting unit.

The security consultant is continuing his work. He recently conducted a security scan and submitted a draft System Security Plan. The project team is in the process of reviewing the draft plan and will address each item as appropriate. Deque Systems, the vendor selected to conduct an accessibility review, has begun its work. They are reviewing each web page of the voter look-up, polling place locator, online voter registration, online ballot delivery system, and election results pages. Their review is expected to be completed by mid-July. Barcode scanners and ballot paper have also been procured.

David McManus requested that staff provide at the next meeting a demonstration to the Board of the new online voter services.

Federal Voting Assistance Program (FVAP): Post-Election Report for Grant Recipients

Janet Smith and Ms. Trella compiled and submitted the 2012 Post-Primary Election Report. As an FVAP grant recipient, SBE is required to submit this report after each election during the grant period. The report included various data related to military and overseas voters and historical data on ballot transit time. The 2012 Post-General Election Report will include more comparative analysis as the programs funded by the grant will be in effect.

2012 Primary Election Audit

SBE will be conducting its post-election audit of the local boards of elections. SBE staff members are reviewing documents submitted by the local boards of elections, and the goal is to have the audit reports complete by August 2012. Chairman Walker requested a copy of the audit be provided to the Board upon its completion.

3. Voter Registration

Referendum Petitions

The Civil Marriage referendum petition exceeded the minimum initial one-third requirement of the Maryland Constitution for placing the Act on the November 2012 ballot. Additional petition signatures were submitted to the Secretary of State's office on Monday, June 25th.

The Congressional Districting referendum petition also met the initial one-third requirement. The sponsor plans on submitting the second two-thirds on the June 30th deadline.

4. Candidacy and Campaign Finance

Commission to Study Campaign Finance Laws

The Commission listened to testimony on June 12th and 13th regarding multiple topics including increasing the contribution limits, public financing, legislative slates, and limited liability companies. The Commission held a discussion meeting on June 18th on contribution limits. The next meeting is set for July 16th.

MD CRIS (Campaign Reporting and Information System)

At SBE's direction, PCC Technology Group is updating MD CRIS to accommodate the new legislative changes from the past session. The biggest addition is Employer/Occupation. Once the change is approved and released into production, it will be automatically updated for every user. In the past, this change would have required mailing out a new ELECTrack CD containing a patch to all filers.

Seminars/Trainings

Jared DeMarinis held a campaign finance and MD CRIS training class on June 12th for the Democratic Senate Caucus treasurers at the request of the Caucus. It was attended by over 15 people. On June 19th, Mr. DeMarinis conducted a training class for the public on MD CRIS. It was attended by over 20 people. The Maryland Republican Party has reached out to Mr. DeMarinis to schedule trainings for its members over the next month.

5. Voting Systems

Electronic Pollbook Software Update.

SBE received the latest software on Friday, and the team is presently testing this version and will continue to do so for another week or two. If the software is satisfactory, ES&S will be notified and a final build will be supplied to SBE and provided to the local boards for them to update their inventory of pollbooks. There are 6,500 pollbooks in the State, and it is anticipated that this will take approximately 6 weeks. SBE has been working with ES&S to define best practices for the update and to review relevant documentation.

Election Night Reporting

SBE has been migrating the Election Night Reporting system to a new server and has been testing the configuration and performance of this server. This included a test involving all the local boards on Monday, June 18th, with the local boards transferring 2008 General Election results to SBE. This test was generally a success. It should be noted that there will be further testing closer to the November election, with test results of the actual 2012 contests and questions.

Municipal Elections

The voting system was used in municipal elections in Frostburg and Cambridge (primary). The Cambridge General Election is July, 8th, and they will again utilize the voting system. SBE supplied the pollbook databases, and the local boards programmed the voting units.

Meeting

Paul Aumayr attended a conference for State Certification Testing of Voting Systems at Ball State University, Indiana on June 14th and 15th. The conference brought in representatives from many States, including California, Georgia, Arizona, Colorado, Indiana and Ohio as well as the EAC and the Voting System Testing Laboratories.

6. Project Management (PM) and Information Technology (IT)

PM – Project Oversight

Mr. Ross continues to develop and refine project management templates and other resources to be used by the agency and, when requested, the local boards. In addition, Mr. Ross is developing a Master Project Tracking list that will help SBE prioritize existing projects and forecast future projects. He is also in the peer review phase of the contract monitoring procedures for SBE project managers. The tasks include executing internal audits of timesheets, deliverables, and the associated invoices. Finally, Mr. Ross is continuing to facilitate the monthly SBE Information Technology Strategy Board (ITSB) whose purpose is to address SBE's technology issues in the short and long term.

PM – Inventory Management Project.

Staff is in the second phase of the 2012 physical inventory with a focus on reconciling the equipment and furniture reports from SBE and the local boards. Staff is performing a number of new tasks that will allow more accurate tracking of the over 36,000 pieces of equipment. The entire 2012 inventory is expected to be completed in July. At the same time, staff is evaluating election based asset/inventory systems from several different vendors in the hopes of identifying a system that will meet our long term needs.

PM – Call Center

Staff continued to work with CR Dynamics, the call center vendor, in preparation for the 2012 General Election and the support that will be provided. A major focus has been streamlining the questions and answers that will be handled by the call center.

Google Apps

Staff continued work on the requirements and planning for the SBE Google Apps on-going transition of individuals. The plans are to transition 2 additional SBE staff members in addition to the staff of 3 local boards (Caroline, Queen Anne's, and Worcester). The three local boards currently have Yahoo and Verizon email accounts. After this transition, there will be 9 SBE staff members and a total of 11 local board staff members using Google Apps. The remainder of SBE staff is expected to transition sometime after the 2012 General Election. In the longer term the option of transition to Google Apps will be offered to the other local boards.

IT – MD CRIS File Format

Kurt Snyder has been working with PCC (MD CRIS vendor) to confirm that the published file format description is consistent with the actual file format that is allowed to be imported into the MD CRIS campaign finance system. There have been several differences between the published reference document and the allowable import file which were discovered during testing. Mr. Snyder also discovered that the error file as returned by the system for records that are rejected on import is slightly different from the published file format. PCC staff members are working to correct problems discovered and advise on the proper file format description and the specification of test records.

IT – Disposal of Equipment at the Warehouse

Hard drives in equipment at the warehouse have been removed. Some of the items have been sold on the State's auction site, and the winners of some of the bids are scheduled to retrieve associated equipment from the warehouse. Equipment is being disposed according to DGS' guidelines for disposal of such sensitive items.

Other IT Related Events

- Successfully applied Microsoft Security updates for the month of June 2012 on SBE Server Systems
- Renewed various computer hardware support warranties.
- Renewed several software support warranties.
- Janey Hegarty has been busy with CJIS background checks procedures for new hires across the State.
- Natasha Walker completed several website updates as requested.
- Four (4) new workstations for Dorchester County have been delivered to the County.
- Daniel assisted Montgomery County with their inventory verification process for 5 days.

ASSISTANT ATTORNEY GENERAL'S REPORT

Jeffrey Darsie, Assistant Attorney General, reported to the Board that the Supreme Court recently summarily affirmed the decision of the 4th Circuit panel in *Fletcher v. Lamone*, upholding the constitutionality of Maryland's "No Representation Without Population Act." The law adjusts census data for redistricting purposes by counting prisoners as residents of their last known legal address, rather than as residents of their place of incarceration. Maryland's law is the first measure of its kind to be considered by the Court.

On June 13th, the Maryland Court of Appeals affirmed the Circuit Court's decision that the Maryland DREAM Act does not make an appropriation and therefore is referable. The Court's order was issued without an opinion the day after oral argument. The result of the ruling is that the question whether to approve or reject the DREAM Act will be on the ballot for the 2012 General Election.

On June 25th, the Court of Appeals ruled in favor of the Frederick County Board of Elections in a challenge to the board's rejection of a charter board nominating petition as insufficient. The Court found that Maryland's petition signature standards as applied to a charter board nominating petition to be constitution in that it only imposed a minimal burden on petition signers and was a reasonable, nondiscriminatory measure to prevent fraud and identify signers.

APPROVAL OF REGULATIONS

Mr. Goldstein presented various proposed changes to Title 33 of COMAR for final adoption.

1. 33.07.07.01 & .02 (Challengers and Watchers) – corrective and clarifying changes
2. 22.08.04.01 and .05 - .06 (Canvassing – Central Count Procedures) – establishes canvassing procedures for ballots duplicated using the barcode (created by the online ballot marking tool) and the ballot on demand printer
3. 33.13.06 (Campaign Accounts) – definition of financial institution

Ms. McGuckian made a motion to approve the above referenced regulations for final adoption, which was seconded by Mr. Thomann. The motion was unanimously approved.

Mr. Goldstein next presented several proposed additions and changes to Title 33 of COMAR for approval.

1. 33.13.02.02 (Campaign Finance Report – Required Contents)
2. 33.04.02.01 (Inspection and copying of Public Records – Confidentiality of Certain Information)

The General Assembly passed legislation requiring employer and occupation information for all contributors who give \$500 or more in the aggregate to a single committee. The proposed changes to COMAR 33.13 establishes standards for supplying employer and occupation information and provides a process for the political committee to follow in the event that a contributor does not provide the requested information. The regulations also update information required on all of the recently approved contribution and expenditure methods. The proposed changes to COMAR 33.04.02.01 allow a contributor to request to have his or her personal information be kept confidential.

Ms. Mack made a motion to approve the above referenced regulations, which was seconded by Ms. McGuckian. The motion was unanimously approved.

REVISIONS TO ABSENTEE BALLOT APPLICATION

Mr. Goldstein presented two revised *Absentee Ballot Applications* for the Board's approval. The form that will ultimately be used for the upcoming 2012 Presidential General Election will depend on the outcome of the pending Opinion of the Attorney General regarding whether the ballot marking tool requires certification under EL §9-102.

- Form 1 – provides the option of having the absentee ballot “posted to the State Board of Elections’ website” only for military voters, dependants of a military voter, or voters who live outside of the United States. This form will be used in the event that the opinion concludes that certification is required for the online ballot marking tool. Electronic delivery of ballots is a requirement under the federal MOVE Act. Accordingly, even if the online ballot marking tool is not available for use, military and overseas voters still must be given the option of receiving their ballots via some form of electronic delivery.
- Form 2 – provides the option of having the absentee ballot “posted to the State Board of Elections’ website” for either (a) military voters, dependants of a military voter, or voters who live outside of the United States; or (b) a voter with a disability who could use the accessible online ballot marking tool to assist with voting independently. This form will be used in the event that the opinion concludes that certification is not required for the online ballot marking tool. In this instance, electronic delivery and online marking will be made available to both

military and overseas voters as well as voters with disabilities who will benefit from using accessible interfaces with the ballot marking wizard to vote independently.

Mr. Goldstein noted that in either case, the scope of the use of the online delivery method is being significantly reduced since domestic voters who are not disabled will not be able to receive their ballots via this method.

Mr. Thomann made a motion to approve both forms for use pending the AG's Opinion, which was seconded by Ms. McGuckian. The motion was unanimously approved.

WAIVERS OF CAMPAIGN FINANCE LATE FEES

Mr. Goldstein presented the following recommendations of the State Administrator for approval of waivers of late fees.

1. Conservatives for Maryland PAC
2. Crook, Donna J. for Board of Education
3. Cusimano, Colleen Campaign
4. Frick, Bill Friends of
5. Goddard, Urcille For the People
6. Howard, Carolyn J. B. Friends Of
7. Lisanti, Mary Ann Friends Of
8. Magee, Peggy friends of
9. Project Millions More Movement Baltimore PAC
10. Rose, Joel Citizens for
11. Smith, Derrick Citizens to Elect
12. Trapani, Paul Citizens Getting It Right With

Ms. Mack made a motion to approve the Administrator's recommended late fee waivers, which was seconded by Mr. McManus. The motion was unanimously approved.

REQUESTS FOR PRECINCT CHANGES

Donna Duncan explained that local boards generally have the authority to change precincts without State Board approval. However, between a primary and general election, all changes must be approved by the Board.

First, Ms. Duncan presented a Baltimore County request to change the boundary line in Election District 2 for Precincts 25 and 08. Currently, the boundary line splits The Villages of Woodholme Retirement Community so that 228 homes vote in Precinct 25 and 58 homes vote in Precinct 08. The change would allow all of the homes in the community to vote in Precinct 25. Ms. Mack made a motion to approve the boundary change, which was seconded by Mr. McManus. The motion was unanimously approved.

Second, Ms. Duncan presented a Harford County request to change the location of Precinct 03-15 from the Harford Day School to the South Hampton Middle School. The reason for the change was that the Harford Day School is no longer willing to serve as a polling location. Ms. Mack made a motion to approve the polling place change, which was seconded by Mr. Thomann. The motion was unanimously approved.

Third, Ms. Duncan presented a request from Talbot County to change three polling places back to their original locations. Ms. Duncan explained that, as a cost saving measure, the Talbot County Board of Elections consolidated three precincts into one polling location. However, due to community pressure, concerns about lines on election day, and funding commitments by the county, they are now seeking to return the polling places to their original locations as follows:

- Royal Oak Methodist Church– 02-03
- Bozman Church – 02-02
- Tilgham – 05-02

Mr. Thomann made a motion to approve the polling place changes, which was seconded by Ms. McGuckian. The motion was unanimously approved.

Finally, Ms. Duncan presented a request from Washington County to change the location of Precinct 18-01 from Chewsville Community Center to the Bethel United Methodist Church. The reason for the change was that the community center was not permitting the local board access to the center the night before the election to set up the polling place, which is necessary to ensure on-time opening. Mr. Thomann made a motion to approve the polling place change, which was seconded by Ms. Mack. The motion was unanimously approved.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Ross Goldstein asked the Board to approve the amended bylaws from the Howard County Board of Elections. Mr. Goldstein noted that the bylaws complied with SBE's model bylaws. Ms. Mack made a motion to approve the by-laws for the Howard County Board of Elections, which was seconded by Ms. McGuckian. The motion was unanimously approved.

SCHEDULING OF NEXT MEETING

The next meeting is scheduled for July 26th at 2:00p.m.

ADJOURNMENT

Mr. Walker adjourned the meeting at 2:50 pm.